

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNDER SEAL

UNITED STATES OF AMERICA,
V.

(1) JOSHUA BARNES,
(2) ERASTO CAMPOS, a/k/a Eric Campos,
(3) NICOLE DUNLAP,
(4) MAURICE FRIERA,
(5) MICHAEL OKEEFE,
(6) MARCUS SMITH,
(7) MICHAEL SUDERMAN, and
(8) GREGORY WILSON, a/k/a Gregory Wilson,

CR 19-0257 SI

DEFENDANT(S).

FILED
JUN 18 2019
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
[Signature]

INDICTMENT

18 U.S.C. § 371 – Conspiracy to Counterfeit Obligations of the United States;
18 U.S.C. § 471 – Counterfeiting Obligations of the United States;
18 U.S.C. § 472 – Passing and Possessing Counterfeit Obligations of the United States (14);
18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud;
18 U.S.C. § 1029(a)(3) – Fraudulent Possession of Fifteen or More Counterfeit or Unauthorized Access Devices (2);
18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Device-Making Equipment (2);
18 U.S.C. § 1028A – Aggravated Identity Theft (2);
18 U.S.C. §§ 492, 981, 982, 1029 – Forfeiture

+

True Bill
A true bill.

[Signature]
Foreman

Filed in open court this _____ day of _____

[Signature]
Clerk

Bail, \$ *no mcs*

[Signature]
LAUREL BEELER

18-MB

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

See Attachment A

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment B

UNDER SEAL

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.
 Joshua BARNES et al. (CAMPOS, DUNLAP, FRIERA,
 OKEEFE, SMITH, SUDERMAN, and WILSON)

DISTRICT COURT NUMBER

CR 19-0257 SI

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

United States Secret Service

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned) ERIC CHENG
DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show district)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Attachment A to Penalty Sheet

**JOSHUA BARNES, ERASTO CAMPOS, a/k/a Eric Campos, NICOLE DUNLAP,
MAURICE FRIERA, MICHAEL OKEEFE, MARCUS SMITH, MICHAEL SUDERMAN,
and GREGORY WILSON, a/k/a Gregory Wilson**

Offenses Charged

Count 1: 18 U.S.C. § 371 – Conspiracy to Counterfeit Obligations of the United States

Count 2: 18 U.S.C. § 471 – Counterfeiting Obligations of the United States

Counts 3-16: 18 U.S.C. § 472 – Passing and Possessing Counterfeit Obligations of the United States

Count 17: 18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud

Counts 18-19: 18 U.S.C. § 1029(a)(3) – Fraudulent Possession of Fifteen or More Counterfeit or Unauthorized Access Devices

Counts 20-21: 18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Device-Making Equipment

Counts 22-23: 18 U.S.C. § 1028A – Aggravated Identity Theft

Attachment B to Penalty Sheet

**JOSHUA BARNES, ERASTO CAMPOS, a/k/a Eric Campos, NICOLE DUNLAP,
MAURICE FRIERA, MICHAEL OKEEFE, MARCUS SMITH, MICHAEL SUDERMAN,
and GREGORY WILSON, a/k/a Gregory Wilson**

Maximum Penalties

18 U.S.C. § 371 – Conspiracy to Counterfeit Obligations of the United States

- Maximum prison term 5 years
- Maximum fine \$250,000
- Maximum supervised release term 3 years
- Mandatory special assessment \$100

18 U.S.C. § 471 – Counterfeiting Obligations of the United States

18 U.S.C. § 472 – Passing and Possessing Counterfeit Obligations of the United States

- Maximum prison term 20 years
- Maximum fine \$250,000
- Maximum supervised release term 3 years
- Mandatory special assessment \$100

18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud

- Maximum prison term 7.5 years
- Maximum fine \$250,000
- Maximum supervised release term 3 years
- Mandatory special assessment \$100

18 U.S.C. § 1029(a)(3) – Fraudulent Possession of Fifteen or More Counterfeit or Unauthorized Access Devices

- Maximum prison term 10 years
- Maximum fine \$250,000
- Maximum supervised release term 3 years
- Mandatory special assessment \$100

18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Device-Making Equipment

- Maximum prison term 15 years
- Maximum fine \$250,000
- Maximum supervised release term 3 years
- Mandatory special assessment \$100

18 U.S.C. § 1028A – Aggravated Identity Theft

- Minimum prison term 2 years consecutive
- Maximum fine \$250,000
- Maximum supervised release term 1 year
- Mandatory special assessment \$100

1 DAVID L. ANDERSON (CABN 149604)
 2 United States Attorney

FILED
JUN 18 2019
 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

UNDER SEAL

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 (1) JOSHUA BARNES,
 15 (2) ERASTO CAMPOS, a/k/a Eric Campos,
 16 (3) NICOLE DUNLAP,
 17 (4) MAURICE FRIERA,
 18 (5) MICHAEL OKEEFE,
 19 (6) MARCUS SMITH,
 20 (7) MICHAEL SUDERMAN, and
 21 (8) GREGORY WILSON, a/k/a Gregory
 Wilson,

22 Defendants.

) No. CR 19-0257 SI

) VIOLATIONS:

) 18 U.S.C. § 371 – Conspiracy to Counterfeit
) Obligations of the United States;
) 18 U.S.C. § 471 – Counterfeiting Obligations of the
) United States;
) 18 U.S.C. § 472 – Passing and Possessing Counterfeit
) Obligations of the United States (Fourteen Counts);
) 18 U.S.C. § 1029(b)(2) – Conspiracy to Commit
) Access Device Fraud;
) 18 U.S.C. § 1029(a)(3) – Fraudulent Possession of
) Fifteen or More Counterfeit or Unauthorized Access
) Devices (Two Counts);
) 18 U.S.C. § 1029(a)(4) – Fraudulent Possession of
) Device-Making Equipment (Two Counts);
) 18 U.S.C. § 1028A – Aggravated Identity Theft (Two
) Counts);
) 18 U.S.C. §§ 492, 981, 982, 1029 – Forfeiture

) **UNDER SEAL**

22 SUPERSEDING INDICTMENT

23 The Grand Jury charges:

24 COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Counterfeit Obligations of the United States)

25 Beginning on a date unknown, but no later than in or around September 2018, and continuing
 26 through in or about May 2019, in the Northern District of California, the defendants,

27 JOSHUA BARNES,
 28 ERASTO CAMPOS, a/k/a Eric Campos,
 NICOLE DUNLAP,
 MAURICE FRIERA,

INDICTMENT

MICHAEL OKEEFE,
 MARCUS SMITH,
 MICHAEL SUDERMAN, and
 GREGORY WILSON, a/k/a Gregory Wilson,

did unlawfully and knowingly conspire with each other, and with others known and unknown to the Grand Jury, to falsely make, forge, counterfeit, alter, pass, utter, publish, sell, keep in possession, and conceal false, forged, counterfeited, and altered obligations of the United States, with the intent to defraud, in violation of Title 18, United States Code, Sections 471 and 472, and buy, exchange, transfer, receive, and deliver false, forged, counterfeited, and altered obligations of the United States, with the intent that the same be passed, published, and used as true and genuine, in violation of Title 18, United States Code, Section 473.

Manner and Means

Among the manner and means by which the defendants and others known and unknown to the Grand Jury carried out the counterfeiting conspiracy were the following:

- a. BARNES and other Defendants made counterfeit one hundred dollar Federal Reserve Notes at various locations throughout the Northern District of California such as residences and hotel rooms;
- b. Defendants bought, exchanged, transferred, received, delivered, kept in possession, and concealed counterfeit one hundred dollar Federal Reserve Notes in the Northern District of California; and
- c. Defendants passed, uttered, published, and sold counterfeit one hundred dollar Federal Reserve Notes throughout the Northern District of California, including at various businesses to purchase items or services, obtain genuine currency as change, and return items for genuine currency.

Overt Acts

In furtherance of the conspiracy and to effect the objects thereof, one or more of the defendants and others known and unknown to the Grand Jury committed and caused to be committed the following acts in the Northern District of California, among others:

- a. On or about September 24, 2018, the defendants ERASTO CAMPOS and

1 MICHAEL OKEEFE passed counterfeit one hundred dollar Federal Reserve
2 Notes at REI in Berkeley, California;

3 b. On or about December 2, 2018, the defendant NICOLE DUNLAP passed a
4 counterfeit one hundred dollar Federal Reserve Note at Papa Johns in San
5 Francisco, California;

6 c. On or about December 26, 2018, the defendant MICHAEL SUDERMAN passed
7 counterfeit one hundred dollar Federal Reserve Notes at Target in Pleasant Hill,
8 California.

9 d. On or about April 3, 2019, the defendant MARCUS SMITH possessed counterfeit
10 one hundred dollar Federal Reserve Notes in Oakland, California;

11 e. On or about April 4, 2019, a vehicle driven by defendant GREGORY WILSON
12 contained counterfeit one hundred dollar Federal Reserve Notes in Hayward,
13 California;

14 f. On or about April 25, 2019, the residence of the defendant JOSHUA BARNES in
15 San Francisco, California contained counterfeit one hundred dollar Federal
16 Reserve Notes, counterfeit one hundred dollar Federal Reserve Notes in various
17 stages of processing with only the face or the back of the note printed, altered or
18 bleached one dollar Federal Reserve Notes, sheets containing printed images of
19 Federal Reserve Notes, printers, ink cartridges, laptops, and other computer
20 equipment; and

21 g. On or about April 29, 2019, MAURICE FRIERA possessed counterfeit one
22 hundred dollar Federal Reserve Notes in San Francisco, California.

23 In each of the aforementioned acts, some or all of the specified counterfeit one hundred dollar
24 Federal Reserve Notes had identifiers and characteristics that matched some or all of the counterfeit one
25 hundred dollar Federal Reserve Notes specified in each of the other aforementioned acts.

26 All in violation of Title 18, United States Code, Section 371.

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COUNT TWO: (18 U.S.C. § 471 – Counterfeiting Obligations of the United States)

Beginning on a date unknown, but no later than in or around September 2018, and continuing through in or about May 2019, in the Northern District of California, the defendant,

JOSHUA BARNES,

with intent to defraud, did falsely make, forge, counterfeit, and alter obligations of the United States, to wit, Federal Reserve Notes in one hundred dollar denominations, in violation of Title 18, United States Code, Section 471.

COUNTS THREE THROUGH SIXTEEN: (18 U.S.C. § 472 – Passing and Possessing Counterfeit Obligations of the United States)

On or about the dates set forth in the separate counts below, the defendants set forth in the separate counts below, in the Northern District of California, with intent to defraud, did pass, utter, publish, sell falsely made, forged, counterfeited, and altered obligations of the United States, to wit, Federal Reserve Notes in one hundred dollar denominations, which he or she then knew to be falsely made, forged, counterfeited, and altered:

Count	Date	Defendants	Location
3	9/24/2018	ERASTO CAMPOS and MICHAEL OKEEFE	REI in Berkeley, California
4	12/2/2018	NICOLE DUNLAP	Papa Johns in San Francisco, California
5	12/26/2018	MICHAEL SUDERMAN	Target in Pleasant Hill, California
6	12/27/2018	MICHAEL OKEEFE	REI in Berkeley, California
7	4/24/2019	JOSHUA BARNES and ERASTO CAMPOS	Office Depot in San Francisco, California
8	4/24/2019	ERASTO CAMPOS	Dunkin' Donuts in South San Francisco, California

On or about the dates set forth in the separate counts below, the defendants set forth in the separate counts below, in the Northern District of California, with intent to defraud, did keep in possession and conceal falsely made, forged, counterfeited, and altered obligations of the United States, to wit, Federal Reserve Notes in one hundred dollar denominations, which he then knew to be falsely made, forged, counterfeited, and altered:

Count	Date	Defendants	Location
9	12/26/2018	MICHAEL SUDERMAN	Pleasant Hill, California
10	4/3/2019	MARCUS SMITH	Oakland, California
11	4/4/2019	GREGORY WILSON	Hayward, California
12	4/7/2019	GREGORY WILSON	Piedmont, California
13	4/24/2019	JOSHUA BARNES	San Francisco, California
14	4/25/2019	JOSHUA BARNES	San Francisco, California

Count	Date	Defendants	Location
15	4/29/2019	JOSHUA BARNES	San Francisco, California
16	4/29/2019	MAURICE FRIERA	San Francisco, California

Each in violation of Title 18, United States Code, Section 472.

COUNT SEVENTEEN: (18 U.S.C. § 1029(b)(2) – Conspiracy to Commit Access Device Fraud)

Beginning on a date unknown, but no later than in or around December 2018, and continuing through in or about April 2019, in the Northern District of California, the defendants,

NICOLE DUNLAP and MARCUS SMITH,

did unlawfully and knowingly conspire with each other, and with others known and unknown to the Grand Jury, to produce, use, and traffic in counterfeit access devices, with intent to defraud, in violation of Title 18, United States Code, Section 1029(a)(1), possess more than fifteen counterfeit and unauthorized access devices, with intent to defraud, in violation of Title 18, United States Code, Section 1029(a)(3), and have control and custody of, and possess device-making equipment, with the intent to defraud, in violation of Title 18, United States Code, Section 1029(a)(4), all affecting interstate and foreign commerce.

Overt Acts

In furtherance of the conspiracy and to effect the objects thereof, one or more of the defendants and others known and unknown to the Grand Jury committed and caused to be committed the following acts in the Northern District of California, among others:

- a. On or about December 2, 2018, the defendant NICOLE DUNLAP possessed more than fifteen counterfeit access devices with account numbers fraudulently embossed and encoded, and equipment primarily used for making an access device or a counterfeit access device, in San Francisco, California; and
- b. On or about April 3, 2019, the defendant MARCUS SMITH possessed more than fifteen counterfeit access devices with account numbers fraudulently embossed and encoded, and equipment primarily used for making an access device or a counterfeit access device, in Oakland, California.

All in violation of Title 18, United States Code, Section 1029(b)(2).

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1 COUNT EIGHTEEN: (18 U.S.C. § 1029(a)(3) – Fraudulent Possession of Fifteen or More
2 Counterfeit or Unauthorized Access Devices)

3 On or about December 2, 2018, in the Northern District of California, the defendant,
4 NICOLE DUNLAP,
5 did knowingly and with intent to defraud possess at least fifteen counterfeit and unauthorized access
6 devices, and, by such conduct, affected interstate and foreign commerce, in violation of Title 18, United
7 States Code, Section 1029(a)(3).

8 COUNT NINETEEN: (18 U.S.C. § 1029(a)(3) – Fraudulent Possession of Fifteen or More
9 Counterfeit or Authorized Access Devices)

10 On or about April 3, 2019, in the Northern District of California, the defendant,
11 MARCUS SMITH,
12 did knowingly and with intent to defraud possess at least fifteen counterfeit and unauthorized access
13 devices, and, by such conduct, affected interstate and foreign commerce, in violation of Title 18, United
14 States Code, Section 1029(a)(3).

15 COUNT TWENTY: (18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Device-Making
16 Equipment)

17 On or about December 2, 2018, in the Northern District of California, the defendant,
18 NICOLE DUNLAP,
19 did knowingly and with intent to defraud produce, traffic in, have custody and control of, and possess
20 device-making equipment, and, in so doing, affected interstate and foreign commerce, in violation of
21 Title 18, United States Code, Section 1029(a)(4).

22 COUNT TWENTY-ONE: (18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Device-Making
23 Equipment)

24 On or about April 3, 2019, in the Northern District of California, the defendant,
25 MARCUS SMITH,
26 did knowingly and with intent to defraud produce, traffic in, have custody and control of, and possess
27 device-making equipment, and, in so doing, affected interstate and foreign commerce, in violation of
28 Title 18, United States Code, Section 1029(a)(4).

1 COUNT TWENTY-TWO: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

2 On or about December 2, 2018, in the Northern District of California, the defendant,

3 NICOLE DUNLAP,

4 did knowingly possess and use, without lawful authority, the means of identification of another person,
5 specifically, the name, date of birth, and state or government-issued driver's license of the real person
6 K.F., during and in relation to a felony violation of 18 U.S.C. § 1029(b)(2), as described in Count
7 Seventeen of this Indictment, in violation of Title 18, United States Code, Section 1028A(a)(1).

8 COUNT TWENTY-THREE: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

9 On or about April 3, 2018, in the Northern District of California, the defendant,

10 MARCUS SMITH,

11 did knowingly possess and use, without lawful authority, the means of identification of another person,
12 specifically, the name, date of birth, and state or government-issued driver's license of the real person
13 T.S., during and in relation to a felony violation of 18 U.S.C. § 1029(b)(2), as described in Count
14 Seventeen of this Indictment, in violation of Title 18, United States Code, Section 1028A(a)(1).

15 FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 492, 981, 982, 1029 – Forfeiture)

16 The factual allegations contained this Indictment are hereby re-alleged and incorporated by
17 reference herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections
18 492, 981, 982, 1029 and Title 28, United States Code, Section 2461(c).

19 Upon a conviction of any of the offenses alleged in Counts One through Sixteen, the defendants,

20 JOSHUA BARNES,
21 ERASTO CAMPOS, a/k/a Eric Campos,
22 NICOLE DUNLAP,
23 MAURICE FRIERA,
24 MICHAEL OKEEFE,
MARCUS SMITH,
MICHAEL SUDERMAN, and
GREGORY WILSON, a/k/a Gregory Wilson,

25 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 492, 981(a)(1)(C),
26 Section 982(a)(2)(B), and Title 28, United States Code, Section 2461(c), any property constituting, or
27 derived from, proceeds the defendant obtained directly or indirectly as a result of the violation, and all
28 counterfeits of any coins and obligations and other securities of the United States and any material or

1 apparatus used or fitted or intended to be used, in the making of such counterfeits, articles, devices, or
2 things, including but not limited to a forfeiture money judgment.

3 Upon a conviction of any of the offenses alleged in Counts Seventeen through Twenty-Three, the
4 defendants,

5 NICOLE DUNLAP and MARCUS SMITH,
6 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B),
7 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c), any property constituting, or derived
8 from, proceeds the defendant obtained directly or indirectly as a result of the violation, and any personal
9 property used or intended to be used to commit, or facilitate the commission, of the offenses, including
10 but not limited to a forfeiture money judgment.

11 If any of the property described above, as a result of any act or omission of a defendant:

- 12 a. cannot be located upon the existence of due diligence,
13 b. has been transferred, sold to, or deposited with a third person,
14 c. has been placed beyond the jurisdiction of the Court,
15 d. has been substantially diminished in value, or
16 e. has been commingled with other property which cannot be divided without
17 difficulty,

18 the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States
19 Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 981, 982, 1029, and
20 Title 28, United States Code, Section 2461(c).

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All pursuant to Title 18, United States Code, Sections 492, 981, 982, and 1029, Title 28, United States Code, Section 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED:

A TRUE BILL.


FOREPERSON

DAVID L. ANDERSON
United States Attorney


ERIC CHENG
Assistant United States Attorney